

REMARKS

Claims 1-23 are pending. Claims 5-9, 11, 16-18, 22, and 23 have been indicted to recite allowable subject matter and claims 1 and 13 have been amended to clarify the inventions defined therein.

Reconsideration of the application is respectfully requested for the following reasons.

I. The Double-Patenting Rejection.

In the Office Action, the Examiner issued a provisional obviousness-type double-patenting rejection of claims 1-4, 13, and 19 based on claims 1, 5-7, 14, and 16 of published U.S. patent application 2003/0026266. Applicants respectfully traverse this rejection for the following reasons.

The propriety of an obviousness-type double-patenting rejection is based on a comparison of the rejected *claims* and the *claims* of the cited reference, which in this case is the Choi publication. The rejected claims of the present application cover an AAL2 switch to be using in multicasting data to a plurality of destinations. In fact, the specification explains this multicasting features as one of the significant improvements of the invention over other AAL2 switches. (See, for example, pages 2 and 3). These features are recited in the claims.

For example, claim 1 recites an “AAL2 switch for multicast” and that “at least one memory stores an indication that said at least one CPS packet is to be multicast through two or more transmitter circuits.”

Independent claim 13 recites a “switching method of an AAL2 switch for multicast,” that “at least one memory stores an indication that said at least one CPS packet is to be multicast through two or more transmitter circuits,” and that “a subset of transmitter circuits transmit said AAL2 packet for multicast responsive to said indication.”

Independent claim 19 recites a “switching method of an AAL switch for multicast,” that “the stored CPS packet contains a field configured to indicate multicast transmission using a two or more of a plurality of output ports of the AAL switch; and transmitting the AAL packet to a plurality of different destinations using said two or more output ports according to said field.”

The Choi patent publication claims do not recite any of the above-quoted multicasting features of independent claims 1, 13, and 19. In view of these differences, it is respectfully submitted that claims 1, 13, 19, and their dependent claims are non-obvious variants of the claims in the Choi patent publication. Withdrawal of the double-patenting rejection is therefore respectfully requested.

II. The Rejection under 35 USC § 102(e).

Claims 1-4, 10, 12-15, and 19-21 were rejected for being anticipated by the Dempo patent. This rejection is respectfully traversed for the following reasons.

In order to anticipate claim 1, the Dempo patent must disclose every feature recited in claim 1. The Dempo patent does not disclose every feature recited in claim 1.

Initially, it is emphasized that claim 1 recites an AAL2 switch. The Dempo patent discloses a switch, however the features in Figure 4 which the Examiner relied on to reject claim 1 are not included in the Dempo switch. They are, instead, included in a packet exchange device which is placed in front of an ATM switch. (See column 6, lines 6-9). Moreover, this ATM switch is unshown (column 6, lines 6-9) in any of the drawings and is not disclosed to include any of the features recited in the body of claim 1.

Claim 1 also recites that the AAL2 switch is “for multicast” purposes. The unshown ATM switch in Dempo is not disclosed to be used for multicasting. Moreover, Dempo does not disclose that this switch includes “at least one memory stores an indication that said at least one CPS packet is to be multicast through two or more transmitter circuits” as is further recited in claim 1. Accordingly, the Dempo patent does not disclose the switch of claim 1.

Incidentally, these features are also omitted from the packet exchange device shown in Figure 4, i.e., Dempo does not disclose that its packet exchange device is used for multicasting. On the contrary, as shown in Figure 8, the Dempo exchange device includes only one transmitter 20b which transmits packets to the ATM switch through only one port, which negates any possible multicasting operation.

Claim 13 recites features similar to those which patentably distinguish claim 1 from the Dempo patent. For example, claim 13 recites a “switching method of an AAL2 switch for multicast,” that “at least one memory stores an indication that said at least one CPS packet is to be multicast through two or more transmitter circuits,” and that “a subset of transmitter circuits

transmit said AAL2 packet for multicast responsive to said indication.” The Dempo patent does not disclose a switching method which performs these multicasting operations.

Claim 19 recites a “switching method of an AAL switch for multicast,” that “the stored CPS packet contains a field configured to indicate multicast transmission using a two or more of a plurality of output ports of the AAL switch,” and “transmitting the AAL packet to a plurality of different destinations using said two or more output ports according to said field.” The Dempo patent does not disclose any of these features.

Because the Dempo patent fails to disclose all of the features in each of claims 1, 13, and 19, it is respectfully submitted that the Dempo patent cannot anticipate these claims or their dependent claims. Withdrawal of the § 102 rejection is therefore respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and allowance of the application is respectfully requested.

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Reply to Office Action of May 8, 2006

Docket No. HI-0062

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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